

CCRB INVESTIGATIVE RECOMMENDATION

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|--|-------------------------------------|--|---|---|---------------------------------|
| Investigator: Raquel Velasquez | Team: Squad #11 | CCRB Case #: 201408698 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 08/24/2014 3:40 PM | Location of Incident: § 87(2)(b) | Precinct: 40 | 18 Mo. SOL 2/24/2016 | EO SOL 2/24/2016 | |
| Date/Time CV Reported Mon, 08/25/2014 9:24 AM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Mon, 08/25/2014 9:24 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POF Elizabeth Tavera | 12117 | 949717 | 040 PCT |
| 2. POM Nelson Nin | 15130 | 950955 | 040 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A.POM Nelson Nin | Abuse: On August 24, 2014, PO Nelson Nin searched § 87(2)(b) | § 87(2)(b) |
| B.POM Nelson Nin | Abuse: On August 24 and September 5, 2014, PO Nelson Nin damaged § 87(2)(b)'s property. | § 87(2)(b) |
| C.POM Nelson Nin | Discourtesy: On August 24 and September 5, 2014, PO Nelson Nin spoke discourteously to § 87(2)(b) | § 87(2)(b) |
| D.POM Nelson Nin | Abuse: On August 28, 2014, PO Nelson Nin threatened § 87(2)(b) with the use of force. | § 87(2)(b) |
| E.POF Elizabeth Tavera | Off. Language: On August 28, 2014, PO Elizabeth Tavera made remarks to § 87(2)(b) based upon race. | § 87(2)(b) |
| F.POM Nelson Nin | Abuse: On September 5, 2014, PO Nelson Nin threatened to arrest § 87(2)(b) | § 87(2)(b) |

Case Summary

On August 24, 2014, at approximately 3:40 p.m.; August 28, 2014, at approximately 7:55 p.m.; and September 5, 2014, at approximately 3:57 p.m.; PO Nelson Nin and PO Elizabeth Tavera, from the 40th Precinct, responded to calls regarding landlord/tenant disputes at § 87(2)(b) the Bronx. PO Nin allegedly searched § 87(2)(b) threw and damaged his religious stone and his court order, spoke discourteously to him, threatened to use force against him, and threatened to arrest him (**Allegations A, B, C, D and F**). PO Tavera allegedly used offensive language towards him (**Allegation E**). § 87(2)(b) was not arrested or issued any summonses on any of the incident dates. § 87(2)(b) also filed a complaint regarding August 22, 2014, which was separated into case number § 87(2)(b) which remains open.

Mediation, Civil and Criminal Histories

This case was returned from the Mediation Unit on January 8, 2015. Results regarding Notice of Claim are pending (see Board Review 9) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) currently has filed the following complaints (see Board Review 1):
 - § 87(2)(b)
 -
- PO Elizabeth Tavera has been a member of the NYPD for 4 years and there are no substantiated CCRB allegations against her. This is PO Tavera's first CCRB complaint.
- PO Nelson Nin has been a member of the NYPD for 3 years and there is one substantiated CCRB allegation against him:
 - In case number 201214417, an allegation of abuse of authority- refusal to provide name/shield number was substantiated. The Board recommended instructions; the NYPD issued instructions.

Finding and Recommendations

Explanation of Subject Officer Identification

Although PO Nin and PO Tavera did not recall interacting with § 87(2)(b) their memo books, roll calls and events confirm that PO Nin and PO Tavera were assigned to the sectors that responded to the incident location on all of the incident dates (see Board Review 3-8, 10).

Recommendations

Allegation A- On August 24, 2014, PO Nelson Nin searched § 87(2)(b)

Allegation B- On August 24 and September 5, 2014, PO Nelson Nin damaged § 87(2)(b)'s property.

Allegation C- On August 24, 2014 and September 5, 2014, PO Nelson Nin spoke discourteously to § 87(2)(b)

Allegation D- On August 28, 2014, PO Nelson Nin threatened § 87(2)(b) with the use of force.

Allegation E- On August 28, 2014, PO Elizabeth Tavera made remarks to § 87(2)(b) based upon race.

Allegation F- On September 5, 2014, PO Nelson Nin threatened to arrest § 87(2)(b)

On August 24, 2014, at approximately 3:40 p.m., § 87(2)(b) was in his apartment when he heard a knock on his apartment door. § 87(2)(b) answered the door and encountered PO Nin and PO

Tavera. PO Nin allegedly handcuffed § 87(2)(b) searched his pockets, removed his religious stone and threw it against steps, causing damage to the stone. § 87(2)(b) asked PO Nin to pick up the stone; PO Nin allegedly responded, “No. That’s fucking bullshit. I’m not putting anything in your pocket.”

On August 28, 2014, at approximately 7:55 p.m., § 87(2)(b) was sitting in his apartment and looking out the window, which is next to the apartment building entrance. PO Nin and PO Tavera approached and told § 87(2)(b) to come outside. § 87(2)(b) refused. PO Nin allegedly yelled, “Come on out. I’m going to shoot you in the head. Come on out. Get the fuck out” and “Close your legs or else I am going to think that you’re going to flee and I will have to shoot you in the head.” PO Tavera spoke with one of the building’s superintendents and allegedly asked in Spanish, “Does that black man live there? That black Cuban.” § 87(2)(b) believed that PO Tavera was talking about him because she had previously made eye contact with him.

On September 5, 2014, at approximately 3:57 p.m., § 87(2)(b) called 911 and requested to be escorted to his apartment. PO Nin and PO Tavera responded to the call. § 87(2)(b) handed a court order to PO Nin, who allegedly took the document, ripped it, and allegedly stated, “Fuck it. Don’t fucking call the police anymore. If you call the police again, I’m going to arrest you, motherfucker.” PO Nin and PO Tavera left (see § 87(2)(b) s statement).

PO Tavera recalled interacting with § 87(2)(b) on August 24, 2014, but did not recall interacting with him on August 28 or September 5, 2015. PO Tavera denied using offensive language towards § 87(2)(b) or saying, “Is that Cuban here? That black Cuban.” PO Tavera denied that PO Nin performed any of the actions alleged against him (see Board Review 3). PO Nin did not recall any of the incidents. PO Nin did not recall participating in or witnessing any of the allegations. PO Nin denied making any of the alleged statements (see Board Review 4).

§ 87(2)(g)

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date